

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

The Examiner is thanked for conducting a telephone interview on September 18, 2006, to discuss proposed amendments to claim 28 to overcome the Examiner's arguments in the "Response to Arguments" section on pages 5 and 6 of the Office Action.

In order to clarify that the spectral resolution performed by the spectral resolution section of the present invention does not correspond to spectral resolution of light emissions from the sample, claim 28 has been amended as discussed with the Examiner to clarify that the light source emits the laser light toward the sample and to clarify that the spectral resolution section spectrally resolves the laser light emitted toward the sample into laser lines of different emission wavelengths which are suitable for excitation of the respective fluorescent indicators and which have respective different optical axes.

No new matter has been added, and it is respectfully requested that the amendments to claim 28 be approved and entered.

It is respectfully submitted, moreover, that clarified claim 28 clearly patentably distinguishes over the combination of Schoeppe et al (USP 6,167,173), Lee (USP 4,449,821) and Goix.

In the interview, the Examiner agreed that amended claim 28 would overcome the prior art rejection in the previous Office Action, but the Examiner indicated that an updated search would be required. Accordingly, it is respectfully requested that prosecution proceed on the basis of amended claim 28.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

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